

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                      |   |                       |
|----------------------|---|-----------------------|
| JEROME DAVIS,        | ) | Case No. 4:05cv3238   |
|                      | ) | (CA No. 06-1826)      |
| Plaintiff,           | ) |                       |
|                      | ) | RESPONSE TO LETTER    |
| vs.                  | ) | FROM EIGHTH CIRCUIT   |
|                      | ) | RE: PETITION FOR WRIT |
| LANCASTER COUNTY OF  | ) | OF MANDAMUS           |
| CORRECTIONS, et al., | ) |                       |
|                      | ) |                       |
| Defendants.          | ) |                       |
|                      | ) |                       |

This matter is before the Court on the letter from the United States Court of Appeals notifying this Court that the pro se plaintiff in this case, Jerome Davis, has filed with the Eighth Circuit Court a pro se petition for writ of mandamus. The letter, received on March 29, 2006, appears at filing No. 85 in Case No. 4:05cv3238, and requires a prompt response with a copy to the petitioner.

In his pro se petition for writ of mandamus, attached to the letter from the Eighth Circuit Court, Mr. Davis alleges that this Court has not acted promptly on his motion for summary judgment, thus discriminating against him because of his status as a prisoner. Mr. Davis notes that the undersigned judge was formerly employed in the Office of the Nebraska Attorney General and represented defendants in actions brought by prisoners.

The docket sheet in Case No. 4:05cv3238 shows prompt rulings rendered on all of Mr. Davis's motions. With respect to his motion for summary judgment, the motion was filed on January 13, 2006 (Filing No. 52); the Defendants responded on January 27, 2006 (Filings No. 61 and 62), and Mr. Davis submitted his reply brief and supplementary evidence on February 2, 3, and 10, 2006 (Filings No. 65, 66, 67, and 68). The Defendants

submitted their motion for summary judgment on March 6, 2006 (Filings No. 71, 72 and 73), and Mr. Davis responded on March 13, 2006 (Filing No. 74). On March 24, 2006, the Court denied both motions for summary judgment. (Filing No. 82). Such response time is not slower than the Court's response time with respect to motions in other civil matters brought by persons who are not proceeding pro se or who are not incarcerated.

The undersigned judge served as general counsel for Nebraska's Department of Correctional Services from 1980 to 1991, as Chief of the Civil Rights Section of the Office of the Nebraska Attorney General from 1991 to 1995, and as Nebraska's Chief Deputy Attorney General for Criminal Matters from 1995 to 2001. During that time, she represented state employees in a variety of actions, including actions brought by incarcerated individuals. She never represented any of the Defendants named in this action, nor does she bear any animosity or prejudice toward incarcerated individuals that would warrant her recusal in this case.

IT IS ORDERED:

The Clerk is directed to file the foregoing Response and to send a copy of the Response and a copy of the docket sheet in this case to each of the following:

1. Plaintiff, Jerome Davis, at his last known address, and
2. Michael E. Gans, Clerk of the Court of the United States Court of Appeals.

Dated this 30<sup>th</sup> day of March, 2006.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge